

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re NATIONAL PRESCRIPTION OPIATE) No. 1:17-md-2804
LITIGATION)
) Judge Dan A. Polster

This Document Relates To:)
)
Track One Cases.)
)

NOTICE OF SERVICE REGARDING PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION TO EXCLUDE SETH WHITELAW'S
OPINIONS AND PROPOSED FINDINGS

PLEASE TAKE NOTICE that, pursuant to the “Directions Regarding Filing of Briefs under Seal” issued by Special Master Cohen on June 24, 2019, the Plaintiffs in the Track One Cases served the Defendants, the Court, and the Special Masters by email on July 31, 2019, the following documents:

Plaintiffs’ Memorandum in Opposition to Defendants’ Motion to Exclude Seth Whitelaw’s Opinions and Proposed Findings (“Plaintiffs’ Opposition”); and

Exhibits 1-21 to Plaintiffs’ Opposition:

- Exhibit 1: Relevant excerpts from the transcripts of the videotaped deposition of Dr. Seth B. Whitelaw, taken May 16 and 17, 2019;
- Exhibit 2: HSI-MDL-00423205-223;
- Exhibit 3: MCKMDL00336304-346;
- Exhibit 4: ABDCMDL00273319 (printout of native);
- Exhibit 5: MNK-T1_0005141469-634
- Exhibit 6: WAGMDL00444987-993
- Exhibit 7: Presentation: *The Business Case for Ethics and Compliance – Convincing the CFO in Difficult Economic Times*, Association of Corporate Counsel, Corporate Law Leadership Forum, by Michael Kennedy, SVP Corporate Ethics and Compliance, Cardinal Health (April 22, 2009), available at <https://slideplayer.com/slide/8209883/> (last visited July 23, 2019);
- Exhibit 8: CVS Health, Code of Conduct (Mar. 2019);
- Exhibit 9: MCKMDL00721376-90;
- Exhibit 10: Society of Corporate Compliance and Ethics, *About SCCE*, <https://www.corporatecompliance.org/about-scce> (last visited July 23, 2019);
- Exhibit 11: Relevant excerpts from Debbie Troklus, Greg Warner, and Emma Wollschlager Schwartz, *Compliance 101 – How to build and maintain an effective compliance program* (SCCE 2008);
- Exhibit 12: Health Care Compliance Association, *About Us*, <https://www.hcca-info.org/about-hcca/about-hcca> (last visited July 23, 2019);
- Exhibit 13: Relevant excerpts from *The Health Care Compliance Professional’s Manual* (2016 Edition);

Exhibit 14: Compliance Addendum between McKesson Corporation and the Drug Enforcement Administration;

Exhibit 15: Rochester Drug Co-operative – Deferred Prosecution Agreement with Exhibits A-G thereto, filed April 23, 2019, in Case No. 1:19-cr-00290-NRB (S.D.N.Y.);

Exhibit 16: CAH_MDL2804_03415292-313;

Exhibit 17: CAH_MDL2804_00227735-742;

Exhibit 18: Simon Zadek, *The Path to Corporate Responsibility*, 82 Harvard Business Review 125-132 (2004);

Exhibit 19: Ron Ainsbury and David Grayson, *Business Critical: Understanding a Company's Current and Desired Stages of Corporate Responsibility Maturity*, The Doughty Centre for Corporate Responsibility (May 2014);

Exhibit 20: OGEC and RSA, *A Compliance Maturity Model for Integrated GRC* (Aug. 2016); and

Exhibit 21: OCEG, *2015 GRC Maturity Survey* (2015).

A Summary Sheet describing the motion is attached hereto as Attachment 1.

Dated: July 31, 2019

Respectfully submitted,

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